

Remarks

The present Response is to the Office Action mailed 11/13/2009, made final. Claims 10 and 12-17 are presented for examination.

Response to Arguments

1. Applicant's arguments filed have been fully considered but they are not persuasive. 7/21/2009. References, in determining obvious are not read in isolation but for what they fairly teach in combination as a whole, and thus patent assignees reference-by-reference attack on prior to demonstrate non-obviousness is not persuasive. In response to applicant's arguments, the recitation of allowing a customer at one financial institution to transfer funds to a user's financial account held at another institution has not been given patentable weight because the recitation occurs in the preamble. Moreover "a" in "a user" can be interpreted as "any" as in "any user" not necessarily one user. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
2. The applicant also asserts that Downing does not disclose a date for when the transfer is to execute. The Examiner disagrees. An expiration date of the transfer provided to the to the recipient suggests a date when the transfer is to execute (see column 7, line 6-17). Thus for the following reasons the rejections are maintained below.

Applicant's response:

Applicant herein amends independent claim 10 to positively recite that the proxy transfers funds from a first financial institution to a second financial institution, thereby moving the limitation from the preamble to the body of the claim giving the limitation patentable weight. Applicant points out to the Examiner that when the Examiner provides an art reference in a rejection and misinterprets teachings of that reference

which are used in an obviousness rejection, applicant's only recourse for rebuttal is to point out where the Examiner misinterprets the reference which then renders the Examiner's obviousness argument and the combination of the art moot, because the single piece of art is not actually teaching what the Examiner states that it does. Therefore, because the Examiner combines isolated teachings of the art to form an obviousness rejection, the applicant must rebut those isolated teachings to dismantle the rejection.

Applicant also argues that an expiration date for funds held for a possible transfer cannot read on the execution date as claimed in applicant's invention. Expiration and execution are not interrelated terms and do not read on each other by any person with reasonable skill in the art. Downing col. 7, 6-17 teaches:

Once the transfer is requested and approved in this manner, the sender must then contact the transfer recipient (for example, by telephone) and provide the following information: the secret code selected by the sender at the time the transfer was requested; the amount of the transfer; the transfer confirmation reference number generated by the system at the time the transfer was requested (and printed on the sender's receipt); and the expiration date of the transfer. While only the first three pieces of information must be entered to receive the cash, the expiration date should be conveyed to recipient so that the recipients is cognizant of the time limit that is in place.

Applicant argues that the expiration date is actually relayed to the account holder so the account holder can call in and perform required manual functions to facilitate the transfer before the pending transfer expires. The expiration date is not related in any way to the execution date for the transfer.

Claim Rejections - 35 USC § 103

2. Claims 10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downing et al (US 5,963,647) in view of Gephart (US 6,339,766)

Re claim 10: Downing discloses an interactive method for transferring funds from or to a user's financial account held at one institution and a user's financial account held at another institution (see figs. 5A-5C, Abstract, column 10, lines 37+); comprising steps of:

(a) inputting in a data field within a single interface accessed by the user on an Network a transfer amount (32-sender)(36-transfer instruction file)(see fig. 3, column 6, lines 9+; column 7, lines 29+)

(b) selecting from a data menu within the single interface a date for the funds transfer to execute (see figs. 5A-5C, Abstract, column 10, lines 37+)

(c) selecting from a data menu within the single interface a financial institution and associated account number of an account the transfer amount (fig. 5A, S6-Select source Account) will be taken from, the financial institution providing access to the user's financial account requiring the user at least log-in with a name and password to access the user's financial account (see column 10, line 37 to column 11, line 9, esp, column 11, lines 1-3);

(d) selecting from a data menu within a single interface a financial institution and associated account number of an account the transfer amount will be deposited to, the financial institution providing access to the user's financial account requiring the user at least log-in with a name and password to access the user's financial institution; (see column 10, line 37 to column 11, line 9, esp, column 11, lines 1-3)

(e) submitting the transfer funds order to be executed on the selected date (see column 11, lines 10-15); and

(f) initiating the transfer on the requested date by proxy over the Internet network on behalf of the user (see column 11, lines 16+);

Downing fails to disclose, as in claims 12-17 that the system being used on web pages via the internet (g) navigating by the proxy to the Web pages of the financial institutions via an automated browser on the Internet.

Gephart discloses contemplates use of the Internet to make financial transactions (see Abstract, column 2, lines 18-29).

It would have been obvious to modify Downing with the latest networking technology, as contemplated by Gephart to provide further use of Downing's invention based upon a conventional highly used network.

Applicant's response:

Applicant points out that Downing is a system for allowing a customer at one financial institution to transfer funds to a file account at the *same* institution so another party can remove cash from the customer's account via an ATM. In this manner the customer, using a preset code word, can send the code word to another individual to enable the withdrawal of funds from the customer's account, via an ATM anywhere available in the world.

Applicant argues that Downing fails to teach transferring funds from or to a user's financial account held at one institution and a user's financial account held at *another* institution, as claimed. As clearly seen in Figs. 5A-5C and accompanying text in col. 11, lines 4-27, the customer only specifies an account to withdraw funds from. The institution then places the funds in limbo in a file account until the other party withdraws the funds. At that time the customer's account is debited. Therefore, transferring funds does not occur in Downing between a user's financial account held at one institution and a user's financial account held at another institution, as claimed in applicant's invention.

Further, applicant argues that Downing fails to teach selecting a date for the transfer to execute. Downing only teaches selecting a date for the funds held in the file account to expire, wherein the other party will no longer have access to them (col. 11, lines 10-11).

The Examiner states, "Downing fails to disclose, as in claims 12-17 that the system being used on web pages via the internet (g) navigating by the proxy to the Web pages of the financial institutions via an automated browser on the Internet. Gephart discloses contemplates use of the Internet to make financial transactions (see Abstract, column 2, lines 18-29).

It would have been obvious to modify Downing with the latest networking technology, as contemplated by Gephart to provide further use of Downing's invention based upon a conventional highly used network."

Applicant is not clear in the Examiner's above statement whether or not Gephart actually contemplates the teaching or discloses the teaching. Applicant fails to see where in Gephardt the use of a proxy to automatically navigate via an automated browser is contemplated. Does Gephardt contemplate it because Gephardt provides a system for executing secure electronic transactions which permits consumers to manually authorize the use of credit and debit accounts over the telephone or the Internet without the fear of the unauthorized use of their account numbers? Applicant does not how this "so called" advanced technology, as espoused by the Examiner, contemplates an automated browser used by a proxy server to navigate to Web pages of financial accounts held by a user. Applicant argues that the combination of Downing and Gephardt fail to teach or suggest navigating by the proxy to the Web pages of the financial institutions via an automated browser on the Internet, as claimed. Applicant argues that the "latest networking technology" of Gephardt does not teach or suggest the automated browser, as claimed, therefore the combination of Gephardt and Downing fail to teach or suggest all of the limitations contained in applicant's claim 10.

Therefore, independent method claim 10, as amended, is patentable over the art of Downing and Gephart, either singly or combined. Claims 12-17 are patentable on their own merits, or at least as depended from a patentable claim.

Summary

As all of the claims, as amended and argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully submitted,
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